

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

EDWARD BLUMENFELD, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04730 (SMB)

**THIRD STIPULATION AND ORDER ON POST-MEDIATION PLEADINGS**

**WHEREAS**, Irving H. Picard, Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”), commenced this adversary proceeding (the “Action”) by filing a complaint (the “Complaint”) on November 29, 2010; and

**WHEREAS**, the Trustee and the defendants (“Defendants,” and together with the Trustee, the “Parties”) agreed to exchange limited discovery and mediate the issues presented in

the Action pursuant to a Stipulation and Order “so ordered” by this Court on August 27, 2012 (the “Original Order”); and

**WHEREAS**, the Original Order, among other things, (i) provided for an “Agreed Period” for the Parties to exchange limited discovery and conduct the mediation, (ii) scheduled a pre-trial conference, (iii) extended Defendants’ time to respond to the Complaint up to and including 30 days following the last day of the Agreed Period, and (iv) confirmed the Parties’ agreement that the Trustee may file and serve an amended complaint until 45 days after the end of the Agreed Period; and

**WHEREAS**, pursuant to subsequent “so ordered” stipulations and orders, the Parties extended the mediation and adjourned scheduled pre-trial conferences; and

**WHEREAS**, the mediation ended and the Court “so ordered” a Stipulation and Order on Post-Mediation Pleadings on March 17, 2014 (the “Post-Mediation Stipulation and Order”), which, among other things, (i) further extended the Trustee’s time to file an amended complaint pursuant to Section 4(a) of the Original Order to May 13, 2014, and (ii) confirmed that Defendants would consent to any reasonable request by the Trustee for an extension of that deadline; and

**WHEREAS**, the Court “so ordered” a Second Stipulation and Order on Post-Mediation Pleadings on May 13, 2014 (the “Second Post-Mediation Stipulation and Order”), which, among other things, (i) further extended the Trustee’s time to file an amended complaint pursuant to Section 4(a) of the Original Order to July 14, 2014, and (ii) again confirmed that Defendants would consent to any reasonable request by the Trustee for an extension of that deadline; and

**WHEREAS**, the Defendants have consented to another 60-day extension of the Trustee’s time to file an amended complaint; and

**WHEREAS**, the Trustee and Defendants have agreed on certain other, necessary modifications to the Second Post-Mediation Stipulation and Order in light of that agreed-upon extension;

**NOW, THEREFORE**, the Parties stipulate and agree to, and the Court **ORDERS**, the following:

1. Other than as set forth below, the Parties hereby affirm the terms of the Post-Mediation Stipulation and Order and the Second Post-Mediation Stipulation and Order in all respects.

2. Defendants' time to move, answer or otherwise respond to the Complaint is extended, as per paragraph 6 below (in the event such Complaint is not amended, per paragraphs 3-5 below).

3. The Trustee's time by which he may file an amended complaint pursuant to Section 4(a) of the Original Order (an "Amended Complaint") is hereby extended to September 12, 2014.

4. The Defendants' time to move, answer, or otherwise respond to such Amended Complaint is hereby extended to 45 days after the date on which the Amended Complaint is served.

5. The Trustee shall give Defendants at least 10 days' notice if he intends to file an Amended Complaint before September 2, 2014. If the Trustee seeks to extend the time by which he may file an Amended Complaint beyond September 12, 2014, the Defendants will consent to any reasonable request to do so.

6. If, by September 12, 2014, the Trustee has not filed an Amended Complaint and has not sought any extension of time to do so, the Defendants shall have until October 27, 2014 to move, answer or otherwise respond to the Complaint.

7. The pre-trial conference is adjourned to November 19, 2014 at 10:00 a.m.

Dated: New York, New York  
July 9, 2014

By: /s/ Antonio J. Casas  
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*Special Counsel to Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

Dated: New York, New York  
July 9, 2014

By: /s/ William P. Weintraub  
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*Attorneys for Defendants*

Dated: New York, New York  
July 9, 2014

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*Attorneys for Defendants*

SO ORDERED ON July 10<sup>th</sup>, 2014:

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE